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REMARKS

Reconsideration of the application in view of the present amendment is respectfully requested.

Applicant notes from the present Office Action and previous Office Actions that the Examiner has not acknowledged receipt of Applicant's claim for foreign priority under 35 U.S.C. 119 made on March 14, 2002. Applicant respectfully requests that the Examiner acknowledge receipt of Applicant's claim for foreign priority in the next communication from the Examiner to the Applicant.

Claims 15 and 16 are amended. New claim 19 is added. Accordingly, claims 15-19 are pending.

Applicant would like to respectfully point out that the Examiner's proposed combination of references is improper for at least the reasons explained hereinbelow.

First, Applicant notes from the Office Action that the Examiner would like to interpret a "biometric sample" (as disclosed in Flink et al.) as being equivalent to an "encryption key" (as recited in claim 15 of the present application). In this regard however, Applicant would like to that a biometric sample is not an encryption key. In fact, Flink et al. provides definitions in column 1, lines 15-50 in its specification. Note that Flink et al. defines a "biometric sample" as a physiological or behavioral characteristic sample, transferred to a digital form. Note also that Flink et al. defines a "key" as a single numeric or alphanumeric value that is a part of an algorithm for encryption of data.

Second, Applicant notes from the Office Action that the Examiner refers to column 7, lines 36-40 of Marino et al. More specifically, Applicant notes that the Examiner would like to interpret a "superkey" (as disclosed in Marino et al.) as being equivalent to a "new encryption key" (as recited in claim 15 of the present application). In this regard however, Applicant would like to respectfully point out that the "superkey" in Marino et al. is merely a combination of an encryption key and a sequence number. This combination of an encryption key and a sequence number is not a new encryption key, as the Examiner would like to suggest. In Marino et al., there is simply no new encryption key which is being derived as in the present application.

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If the Examiner continues to reject the claims of the present application by applying Flink et al. and Marino et al., it is respectfully requested that the Examiner explain (i) how a "biometric sample" can be interpreted as an "encryption key", and (ii) how merely combining an original encryption key with a sequence number (which is not an encryption key) produces a new encryption key which is different from the original encryption key. Absent an adequate explanation, it is respectfully submitted that the rejection is improper and, therefore, should be withdrawn.

Claim 15 recites a method of deriving a new encryption key for use in an encrypting keypad module. The method comprises receiving a file containing (i) instructions, (ii) data, and (iii) a reference to an encryption key, and using the received instructions to process the received data and the referenced encryption key to derive a new encryption key.

None of the prior art including the prior art references of record discloses or suggests a method of deriving a new encryption key for use in an encrypting keypad module, wherein the method comprises receiving a file containing (i) instructions, (ii) data, and (iii) a reference to an encryption key, and using the received instructions to process the received data and the referenced encryption key to derive a new encryption key. Thus, claim 15 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 16 depends from claim 15 and is allowable for the reasons claim 15 is allowable and for the specific limitations recited therein. Claim 16 further recites storing the new encryption key in the encrypting keypad module. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 16 in combination with the structure recited in claim 15. Thus, claim 16 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 17 depends from claim 15 and is allowable for the reasons claim 15 is allowable and for the specific limitations recited therein. Claim 17 further recites interpreting the received instructions to generate code for implementing the instructions. None of the prior art including the prior art references of record discloses or suggests the structure recited

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in claim 17 in combination with the structure recited in claim 15. Thus, claim 17 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 18 depends from claim 15 and is allowable for the reasons claim 15 is allowable and for the specific limitations recited therein. Claim 18 further recites that the file has a structure comprising tagged commands and data. None of the prior art including the prior art references of record discloses or suggests the structure recited in claim 18 in combination with the structure recited in claim 15. Thus, claim 18 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Claim 19 recites a method of operating an encrypting keypad module having a first encryption key. The method comprises receiving a file containing (i) instructions, and (ii) data, processing the data based upon the instructions to produce a second encryption key which is different from the first encryption key, and storing the second encryption key.

None of the prior art including the prior art references of record discloses or suggests a method of operating an encrypting keypad module having a first encryption key, wherein the method comprises receiving a file containing (i) instructions, and (ii) data, processing the data based upon the instructions to produce a second encryption key which is different from the first encryption key, and storing the second encryption key. Thus, claim 19 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

In view of the foregoing, it is submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Respectfully submitted,



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